

amendment. New Claims 22-74 have been added. No new matter has been added to the application.

It is submitted that new Claim 22 corresponds to original Claim 1, with the following amendments. The definition of R_1 - R_4 in Claim 22 clarifies the option when R_1 and R_2 or R_3 and R_4 are joined. Claim 22 makes it clear that the substituents may be joined to form a ring, which is defined in the definition of R found in Claim 22. Support for this amendment is found in original Claims 4 and 5.

The definition of R in Claim 22 has been amended from that found in original Claim 1 for the sake of clarity. Claim 22 explicitly indicates that when R has a cyclic skeleton, it is "non-aromatic." Aromatic substituents (Ar) are defined elsewhere in the claim. The definition of Ar is the same as in original Claims 1 and 22.

The definition of Y in Claim 22 is amended from that of original Claim 1 in order to specify that Y is "a linear, unsaturated, two to six carbon alkyl group" consequent upon the election of Group V, limited to sub-genera G1 and G2. Thus, Y in Claim 22 is limited to an unsaturated alkyl, which requires that there be at least two carbon atoms.

The definition of Z in Claim 22 has been amended as compared to original Claim 1 by deleting the moieties -NHR and -N(R)₂, not present in sub-genera G2.

Claim 22 also differs from original Claim 1 because Claim 22 limits the definition of Y when R_8 is hydrogen (see last three subparagraphs of Claim 22). The latter paragraphs limit substitution of Y to only R' and Ar'R', which are defined in the claim as a sub-set of R

and ArR-. Thus, the compounds of Claim 22 remain within the scope of the compounds of the original Claim 1.

Dependent new Claims 23-72 are based on original Claims 2-18, as originally filed in the international application as multiply dependent claims. The dependency of original Claims 2-18 was reduced to single-dependent form at national phase entry. The number of dependent claims has now been increased to cover various embodiments previously recited through the multiple-dependent claims. In some cases, the new claims recite fewer substituents than the corresponding claim in the specification as originally filed. In some cases, combinations of substituents in the new claim differ from the specific combinations found in the original claims, in which case such support is derived from the original claims and the description, as detailed below.

The following page contains a table of concordance for the new, dependent claims showing the original claim from which the limitations are derived.

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<u>New Claim(s)</u>	<u>Original Claim</u>
23	2
24	3
25, 43	17
30	15
31, 32, 41	4
34	16
35, 36	5
37	6
39	7
44-52, 55, 56	13
53	12
58	14
59, 61, 62	8
60	9
65	18

Claims 26-28, 33, 40, 42 & 54 recite preferred limitations for R₅, as disclosed on page 6, lines 26-29.

Claim 29 recites preferred limitations of R_3 and R_4 in accordance with the description on page 6, line 19.

Claim 38 recites preferred limitations of R_1 and R_2 as described on page 6, line 16.

Claim 57 recites preferred limitations for R_7 , as described on page 6, line 35.

Claim 63 corresponds to original Claim 10, amended to clearly show the location of bonds and the valency of the carbon atoms in the structure. The structure in Claim 63 corresponds to the structures of R_9 as shown in the compounds disclosed on pages 29-30 of the description.

Claim 64 is based on the definition of R_{16} in original Claim 18.

Claim 66 & 67 are based on original Claims 9 and 10.

Claims 68-70 recite the preferred optical configurations set out in the description on pages 5 and 7.

Claim 71 and 72 recite preferred substituents and the compound SPA110, as disclosed in the compounds illustrated on pages 29-30 of the description.

Claim 73 is supported by 12-14 of the specification.

Claim 74 is supported by page 1, lines 18-22 and page 4, lines 1-5.

Rejection Under 35 U.S.C. 112, Second Paragraph

The Examiner rejected Claim 1 based on its definition of R_1 - R_4 and also rejected Claim 18 based upon the structure contained therein. It is submitted that the revised definitions of R_1 - R_4 in new Claim 22 overcome the Examiner's rejection. Further, the

structure shown in original Claim 18 is not contained in the new claims. Therefore, it is requested that these rejections be withdrawn.

Rejection Under 35 U.S.C. 102

The Examiner objected to Original Claim 1 as being anticipated by the Webber and Molteni references.

To begin, it is submitted that the compounds disclosed in the Webber reference are described as having picornaviral 3C protease inhibition activity (see col. 1, lines 43-45). The compounds described by the Molteni reference are said to be used for their anti-gastric and anti-ulcer activities (see col. 1, lines 25-28). These references, however, do not disclose compounds that possess anti-mitotic properties, as is the case in the instant application, and especially claim 74.

Additionally, it is noted that the compounds disclosed in the Webber and the Molteni references have hydrogen as a substituent at the moiety corresponding to R_8 of formula I in the present application. New Claim 22 limits possible substitution of Y when R_8 is hydrogen, thereby avoiding any overlap with the compounds disclosed in the Webber and Molteni references. Therefore, it is requested that the rejections be withdrawn for this reason.

The present invention is also distinguished from the Webber reference in that the Webber reference requires substituents D_1 and D_2 (which are defined in Webber as being moieties with a lone pair of electrons capable of forming a hydrogen bond (see col. 2, lines 19-25, 61-62; col. 3, lines 56-57)) at this location as well. Examples are substituents R_2 for

Webber's compounds 67-69, which the Examiner refers to at col. 18, line 20+ of Webber. Webber, however, does not disclose the substituents of Y of the instant invention which fall within the definition of R' and Ar'R'- in claim 22.

The Molteni reference is further distinguished from the present invention because Molteni requires the presence of an imidazole ring joined through a CH₂ group to a moiety corresponding to Y of the instant invention (see col. 1, lines 8-15). Molteni does not disclose compounds in which a substituent at this location is Ar'R' as defined in new Claim 22. Therefore, as the limitations of the present invention are not taught or suggested by the cited references, it is submitted that the rejection is not well taken.

Information Disclosure

This response is accompanied by an information disclosure statement which includes a copy of reference "AG" referred to by the Examiner as not having been received.


If it believed that the application is not in condition for allowance, it is respectfully requested that the undersigned attorney be contacted at the telephone number below.

In the event this response is not considered to be timely filed, Applicants hereby petition for an appropriate extension of time. The fee for this extension may be charged to

Application No. 09/581,511
Attorney Docket No. 108281-00000

our Deposit Account No. 01-2300, referring to client-matter number 108281-00000, along with any other fees which may be required with respect to this application.

Respectfully submitted,
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Attachments: Petition for Extension of Time (3 Months)
 Information Disclosure Statement
 Extra Claims Fee Transmittal